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Amendment

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested. The subject Amendment is submitted in response to the office action mailed on September 16, 2003. Claims 1, 2, 5, 9, 11, 14, 21, 22, 23, 26, 33, 35 and 42 have been amended. Thus, claims 1-42 remain pending in the application.

Information Disclosure Statements

Applicants note that a Supplemental Information Disclosure Statement (IDS) was recently mailed to the U.S. Patent and Trademark Office (USPTO) for this application on December 9, 2003. Applicants respectfully request that the Examiner consider the references cited therein and return a signed and initialed copy of the PTO-1449 Form with the next paper for this application.

Applicants also note that four Supplemental Information Disclosure Statements (IDS) were mailed to the USPTO for this application on June 4, 2003, August 1, 2003, August 6, 2003 and August 29, 2003, respectively. As of this date, we are not in receipt of the signed and initialed copies of the respective PTO-1449 Forms for these Supplemental IDSs. Applicants respectfully request that the Examiner consider the references cited therein and return a signed and initialed copy of each PTO-1449 Form with the next paper for this application.

Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's indication that claims 5, 6, 11-14, 26, 27 and 33-35 would be allowable if rewritten in independent form. Applicants have

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amended claims 26, 33 and 35 to place them in independent form, which means that they are now in a condition for allowance. Claims 27 and 34 are now also in a condition for allowance due to their dependence on the newly created independent claims.

Applicants have also amended claims 5, 11 and 14 to place them in independent form, however the language "a display unit for displaying images outputted from said entertainment apparatus" that was originally included in independent claim 1 has been eliminated in amended claims 5, 11 and 14. Applicants submit that newly created independent claims 5, 11 and 14 are nevertheless allowable even without this language. In addition, Applicants submit that claims 6 and 12-13 are now also in a condition for allowance due to their dependence on the newly created independent claims.

Claim Objections

The Examiner objected to claim 9 because of some incorrect grammar. Applicants have amended claim 9 to provide the required correction.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claim 9 under 35 U.S.C. §112, second paragraph, due to insufficient antecedent basis. Applicants have amended claim 9 to provide the required correction.

Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-4, 7, 8, 21, 22-25, 28, 29 and 42 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,680,534 to Yamato et al. ("Yamato et al."). Applicants respectfully traverse these rejections.

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Yamato et al. discloses software for composing music by assigning music notes on staff notation. Yamato et al.'s FIG. 14 illustrates a music editing screen. According to the disclosure of Yamato et al., the user needs to assign a large number of music notes on staff notation for every musical instrument. Furthermore, the user needs to determine the length, sound effect, and PAN for every music note.

Yamato et al.'s system has several disadvantages. For example, it takes a long period of time for the user to compose a simple melody having a length of one measure. Ordinary users may get bored in the middle of the task after composing a melody of merely eight measures. Moreover, it is almost impossible for beginners to complete the music composition, in particular, when a plurality of musical instruments are used in the music.

The Examiner asserts that Yamato et al.'s column 16, lines 21-34 discloses the "music editing means" recited in Applicants' independent claim 1. Applicants have amended independent claim 1 in a manner that clearly distinguishes Yamato et al. Namely, Applicants' amended claim 1 recites:

"a sound pattern file for registering a plurality of sound patterns, said sound patterns each composed of a combination of sounds to have a length of at least one measure;

music editing means for assigning an arbitrary sound pattern selected from said sound patterns registered in said sound pattern file to at least one track based on a control input from said manual controller;"

Independent claim 21 has been amended in a similar manner. And independent claims 22 and 42 have been amended to recite that the plurality of sound patterns are each composed of a combination of sounds "to have a length of at least one measure". All of these amendments are supported by Applicants' specification at, for

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example, page 44, line 19 through page 45, line 5, page 53, lines 18-22, and FIG. 13.

Applicants' amended independent claim 1 distinguishes Yamato et al. Specifically, according to the amended claim music is composed by assigning sound patterns that each have a length of at least one measure. The sound pattern may include melodies of different musical instruments. Therefore, beginners can simply compose the music in a short period of time without losing interest in composing the music.

Applicants are unable to find a disclosure of the limitations of their amended independent claim 1 in Yamato et al. As such, Applicants submit that the rejection of amended claim 1, as well as the rejections of amended independent claims 21, 22 and 42, should be withdrawn. Similarly, the rejections of the claims that depend upon independent claims 1, 21, 22 and 42 should also all be withdrawn for the same reasons.

Claim Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 9, 10 and 30-32 under 35 U.S.C. §103(a) as being unpatentable over Yamato et al. in view of U.S. Patent 6,281,420 to Suzuki et al. ("Suzuki et al. ('420)"). Applicants respectfully traverse these rejections.

The rejections of claims 9, 10 and 30-32 must be withdrawn for at least the same reasons provided above with respect to independent claims 1 and 22 due to their dependence thereon.

The Examiner has rejected claims 15-20 and 36-41 under 35 U.S.C. §103(a) as being unpatentable over Yamato et al. in view of U.S. Patent 6,150,598 to Suzuki et al. ("Suzuki et al. ('598)"). Applicants respectfully traverse these rejections.

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The rejections of claims 15-20 and 36-41 must be withdrawn for at least the same reasons provided above with respect to independent claims 1 and 22 due to their dependence thereon.

Fees Believed to be Due

When this application was filed a fee was paid for a total of 42 claims with 4 claims being independent claims. The above amendment has resulted in there now being a total of 42 claims with 10 claims being independent claims. Thus, a fee is believed to be due for 6 extra independent claims. A Fee Transmittal is included herewith to cover these fees.

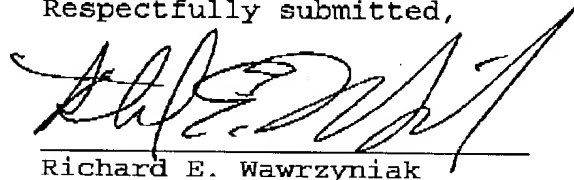
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CONCLUSION

Applicant submits that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Date: 12/12/03

Respectfully submitted,



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